

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

NIPPON SHINYAKU CO., LTD.,  
Plaintiff,

v.

SAREPTA THERAPEUTICS, INC.,  
Defendant.

C.A. No. 21-1015-GBW

SAREPTA THERAPEUTICS, INC. and  
THE UNIVERSITY OF WESTERN  
AUSTRALIA

Counterclaimants,

v.

NIPPON SHINYAKU CO., LTD. and  
NS PHARMA, INC.,

Counterclaim Defendants.

**ORDER**

At Wilmington this 3rd day of July 2023:

For the reasons set forth in the Memorandum Opinion issued this day, **IT IS HEREBY ORDERED** that the Court construes the following claim terms of United States Patent Nos. 9,708,361 (“the ’361 patent”), 10,683,322 (“the ’322 patent”), 9,994,851 (“the ’851 patent”), 10,227,590 (“the ’590 patent”), and 10,266,827 (“the ’827 patent”) as follows:

<u>Claim Term</u>	<u>Court’s Construction</u>
“a base sequence”	Plain and ordinary meaning, which means “any sequence of bases that is part of the antisense oligonucleotide”

“a target region”	Not indefinite.  Plain and ordinary meaning, which means “a segment of the pre-mRNA”
“exon 53 of the human dystrophin pre-mRNA”	Not indefinite.  Plain and ordinary meaning, which means “the pre-mRNA transcribed from exon 53 of the human dystrophin gene”
“the target region is within annealing site H53A(+23+47) and annealing site H53A(+39+69)”	Not indefinite.  “the target region is within nucleotides +23 to +69 of exon 53 of the human dystrophin pre-mRNA”
“in which uracil bases are thymine bases”	Not indefinite.  “the antisense oligonucleotide has thymine bases instead of uracil bases”
“antisense oligomer . . . consisting of the nucleotide sequence of SEQ ID NO: 57”	Plain and ordinary meaning, which means “antisense oligomer with a nucleotide sequence that is the specific nucleotide sequence of SEQ ID NO: 57 (guugccuccg guucugaagg uguuc)”
“e) reacting said Compound 3 with a deprotecting agent to form Compound 4”	Plain and ordinary meaning, which means “chemically reacting Compound 3 with a deprotecting agent to form Compound 4”
“f) reacting Compound 4 with an acid to form said oligomer” / “f) reacting said Compound 4 with an acid to form said PMO”	Plain and ordinary meaning, which means “chemically reacting Compound 4 with an acid to form the oligomer [or the PMO]”

  
 GREGORY B. WILLIAMS  
 UNITED STATES DISTRICT JUDGE